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**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF: SE-5J

**OCT 29 1997**

**PROMPT REPLY NECESSARY  
CERTIFIED MAIL: RETURN RECEIPT REQUESTED**

**DEVON BANK  
TRUSTEE FOR TRUST NO 3256  
6445 N WESTERN AVE  
CHICAGO IL 60645**

US EPA RECORDS CENTER REGION 5



**Re: Request for Information Pursuant to Section 104 of CERCLA for the S. Indiana Ave.  
Vacant Lot Site in Chicago, Cook County, Illinois**

**Dear Sir or Madam:**

The United States Environmental Protection Agency (U.S. EPA or the Agency) seeks your cooperation in providing information and documents relating to the contamination of the S. Indiana Ave. Vacant Lot Site at 119 E. 43rd St. in Chicago, Cook County, Illinois (the Site). A Superfund site is a site contaminated with high levels of hazardous substances that may present a threat to human health or the environment.

We encourage you to give this matter your immediate attention and request that you provide a complete and truthful response to this Information Request and attached questions (Attachment B) within **twenty-one (21) days** of your receipt of this letter.

U.S. EPA is investigating the release or threat of release of hazardous substances, pollutants, or contaminants at the Site. U.S. EPA is seeking to obtain information concerning the generation, storage, treatment, transportation, and methods used to dispose of such substances that have been, or threaten to be, released from the Site. U.S. EPA will study the effects of these substances on the environment and public health. In addition, U.S. EPA will identify activities, materials, and parties that contributed to contamination at the Site. U.S. EPA believes that you might have information that may assist the Agency in its investigation of the Site.

The Site is a vacant lot with approximately 50-60 drums and various other containers, some of which are deteriorating. Analytical results of drum samples collected by U.S. EPA in July 1997 indicate the presence of hazardous substances at the Site, including toluene, xylene, and lead.

The federal "Superfund" law (the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. § 9601, et seq., commonly referred to as "CERCLA" and "Superfund") gives U.S. EPA the authority to, among other things: (1) assess contaminated sites, (2) determine the threats to human health and the environment posed by each site, and (3) clean up those sites in the order of the relative threats posed by each.

Under Section 104(e)(2) of CERCLA, 42 U.S.C. § 9604(e)(2), U.S. EPA has broad information gathering authority which allows U.S. EPA to require persons to furnish information or documents relating to:

- (A) The identification, nature, and quantity of materials which have been or are generated, treated, stored, or disposed of at a vessel or facility or transported to a vessel or facility.
- (B) The nature or extent of a release or threatened release of a hazardous substance or pollutant or contaminant at or from a vessel or facility.
- (C) Information relating to the ability of a person to pay for or to perform a cleanup.

While U.S. EPA seeks your cooperation in this investigation, compliance with the Information Request is required by law. Please note that false, fictitious, or fraudulent statements or representations may subject you to civil or criminal penalties under federal law.

Some of the information U.S. EPA is requesting may be considered by you to be confidential. Please be aware that you may not withhold the information upon that basis. If you wish U.S. EPA to treat the information confidentially, you must advise U.S. EPA of that fact by following the procedures outlined in Attachment A, including the requirement for supporting your claim for confidentiality.

If you have information about other parties who may have information that may assist the Agency in its investigation of the Site or may be responsible for the contamination at the Site, that information should be submitted within the time frame noted above.

This Information Request is not subject to the approval requirements of the Paperwork Reduction Act of 1995, 44 U.S.C. § 3501 et seq.

Instructions on how to respond to the questions in Attachment B to this document are described in Attachment A. Your response to this Information Request should be mailed to:

**U.S. Environmental Protection Agency**  
**Attention: Sally Jansen**  
**Emergency Enforcement & Support Section, SE-5J**  
**77 West Jackson Boulevard**  
**Chicago, IL 60604-3590**

If you have legal questions about the Site, please contact Jose Deleon, Assistant Regional Counsel, at (312) 353-7456. If, however, you have specific questions about the Information Request, please contact Sally Jansen at (312) 353-9046.

We appreciate and look forward to your prompt response to this Information Request.

Sincerely,

A handwritten signature in black ink that reads "Richard C. Karl". The signature is written in a cursive, flowing style.

Richard C. Karl, Chief  
Emergency Response Branch

Enclosures

## ATTACHMENT A

### S. INDIANA AVE. VACANT LOT SITE CHICAGO, ILLINOIS

#### INSTRUCTIONS AND DEFINITIONS FOR INFORMATION REQUEST

##### INSTRUCTIONS

1. Answer Every Question Completely. A separate response must be made to each of the questions set forth in this Information Request. For each question contained in this letter, if information responsive to this information request is not in your possession, custody, or control, please identify the person(s) from whom such information may be obtained.
2. Number Each Answer. Precede each answer with the corresponding number of the question and the subpart to which it responds.
3. Provide the Best Information Available. Provide responses to the best of Respondent's ability, even if the information sought was never put down in writing or if the written documents are no longer available. You should seek out responsive information from current and former employees/agents. Submission of cursory responses when other responsive information is available to the Respondent will be considered noncompliance with this Information Request.
4. Identify Sources of Answer. For each question, identify (see Definitions) all the persons and documents that you relied on in producing your answer.
5. Continuing Obligation to Provide/Correct Information. If additional information or documents responsive to this Request become known or available to you after you respond to this Request, U.S. EPA hereby requests, pursuant to CERCLA Section 104(e), that you supplement your response to U.S. EPA.
6. Confidential Information. The information requested herein must be provided even though you may contend that it includes confidential information or trade secrets. You may assert a confidentiality claim covering part or all of the information requested, pursuant to Sections 104(e)(7)(E) and (F) of CERCLA, 42 U.S.C. §§ 9604(e)(7)(E) and (F), and Section 3007(b) of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6927(b), and 40 C.F.R. § 2.203(b).

If you make a claim of confidentiality for any of the information you submit to U.S. EPA, you must prove that claim. For each document or response you claim confidential, you must separately address the following points:

- a. the portions of the information alleged to be entitled to confidential treatment;
- b. the period of time for which confidential treatment is desired (e.g., until a certain date, until the occurrence of a specific event, or permanently);
- c. measures taken by you to guard against the undesired disclosure of the information to others;
- d. the extent to which the information has been disclosed to others; and the precautions taken in connection therewith;
- e. pertinent confidentiality determinations, if any, by U.S. EPA or other federal agencies, and a copy of any such determinations or reference to them, if available; and
- f. whether you assert that disclosure of the information would likely result in substantial harmful effects on your business' competitive position, and if so, what those harmful effects would be, why they should be viewed as substantial, and an explanation of the causal relationship between disclosure and such harmful effects.

To make a confidentiality claim, please stamp or type "**Confidential**" on all confidential responses and any related confidential documents. Confidential portions of otherwise nonconfidential documents should be clearly identified. You should indicate a date, if any, after which the information need no longer be treated as confidential. Please submit your response so that all nonconfidential information, including any redacted versions of documents are in one envelope and all materials for which you desire confidential treatment are in another envelope.

All confidentiality claims are subject to U.S. EPA verification. It is important that you satisfactorily show that you have taken reasonable measures to protect the confidentiality of the information and that you intend to continue to do so, and that it is not and has not been obtainable by legitimate means without your consent. Information covered by such claim will be disclosed by U.S. EPA only to the extent permitted by CERCLA Section 104(e). If no such claim accompanies the information when it is received by U.S. EPA, then it may be made available to the public by U.S. EPA without further notice to you.

7. Disclosure to U.S. EPA Contractor. Information which you submit in response to this Information Request may be disclosed by U.S. EPA to authorized representatives of the United States, pursuant to 40 C.F.R. §2.310(h), even if you assert that all or part of it is confidential business information. Please be advised that U.S. EPA may disclose all responses to this Information Request to one or more of its private contractors for the purpose of organizing and/or analyzing the information contained in the responses to this Information Request. If you are submitting information which you assert is entitled to treatment as confidential business information, you may comment on this intended disclosure within fourteen (14) days of receiving this Information Request.

8. Personal Privacy Information. Personnel and medical files, and similar files, the disclosure of which to the general public may constitute an invasion of privacy, should be segregated from your responses, included on separate sheet(s), and marked as "**Personal Privacy Information.**"

9. Objections to Questions. If you have objections to some or all the questions within the Information Request letter, you are still required to respond to each of the questions.

## DEFINITIONS

The following definitions shall apply to the following words as they appear in this Information Request.

1. The term "**documents**" includes any written, recorded, computer-generated, or visually or aurally reproduced material of any kind in any medium in your possession, custody, or control, or known by you to exist, including originals, all prior drafts, and all nonidentical copies.

2. The term "**Facility.**" See definition for the term "Site."

3. The term "**identify**" means, **with respect to a natural person**, to set forth: (a) the person's full name; (b) present or last known business and home addresses and telephone numbers; (c) present or last known employer (include full name and address) with title, position, or business.

4. The term "**identify**" means, **with respect to a corporation, partnership, or other business entity** (including a sole proprietorship), to provide its full name, address, and affiliation with the individual and/or company to whom/which this request is addressed.

5. The term "**hazardous substance**" shall have the same definition as that contained in Section 101(14) of CERCLA, and includes any mixtures of such hazardous substances with any other substances, including mixtures of hazardous substances with petroleum products or other nonhazardous substances.

6. The term "**material**" or "**materials**" shall mean any and all objects, goods, substances, or matter of any kind, including but not limited to wastes.

7. The term "**person**" shall include any individual, firm, unincorporated association, partnership, corporation, trust, or other entity.

8. The term "**pollutant or contaminant**" shall include, but not be limited to, any element, substance, compound, or mixture, including disease-causing agents, which after release into the environment will or may reasonably be anticipated to cause death, disease, behavioral abnormalities, cancer, genetic mutation, physiological malfunctions (including malfunctions in

reproduction) or physical deformations; except that the term "pollutant or contaminant" shall not include petroleum.

9. The term "**release**" shall mean any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment, including the abandonment or discharging of barrels, containers, and other closed receptacles containing any hazardous substance or pollutant or contaminant.

10. The term "**Site**" shall mean the S. Indiana Ave. Vacant Lot Superfund Site at 119 E. 43rd St., Chicago, Cook County, Illinois.

11. The term "**the Trust**" shall mean the trust that is the addressee of this Information Request.

12. The term "**you**" shall mean the entity to which this Information Request is addressed. The term "you" also includes any officer, managers, employees, contractors, trustees, successors, assigns, and agents of the entity to which this Information Request is addressed.

## **ATTACHMENT B**

### **S. INDIANA AVE. VACANT LOT SITE CHICAGO, ILLINOIS**

#### **INFORMATION REQUEST**

1. Identify all persons consulted in the preparation of the answers to these Information Requests.
2. Identify all documents consulted, examined, or referred to in the preparation of the answers to these Requests, and provide copies of all such documents.
3. If you have reason to believe that there may be persons able to provide a more detailed or complete response to any Information Request or who may be able to provide additional responsive documents, identify such persons.
4. Identify the acts or omissions of any persons, other than your employees, contractors, or agents, that may have caused the release or threat of release of hazardous substances, pollutants, or contaminants at the Site, and damages resulting therefrom.
5. Identify all persons having knowledge or information about the generation, transportation, treatment, disposal, or other handling of hazardous substances by you, your contractors, or by prior owners and/operators.
6. State the dates during which you owned, operated, or leased the Site, and provide copies of all documents evidencing or relating to such ownership, operation, or lease arrangement (e.g., deeds, leases, etc.).
7. If you owned the Site, did you know or have reason to know at the time you acquired it that any hazardous substance was disposed of on or at the Site? Describe all investigations of the Site you undertook prior to acquiring the Site and all of the facts on which you base the answer to the preceding question
8. Identify all prior owners of the Site. For each prior owner, further identify:
  - a. The dates of ownership;
  - b. All evidence showing that they controlled access to the Site;
  - c. All evidence that a hazardous substance, pollutant, or contaminant, was released or threatened to be released at the Site during the period that they owned the Site.



9. Identify the prior operators, including lessors, of the Site. For each such operator, further identify:

- a. The dates of operation;
- b. The nature of prior operations at the Site;
- c. All evidence that they controlled access to the Site;
- d. All evidence that a hazardous substance, pollutant, or contaminant was released or threatened to be released at or from the Site and/or its solid waste units during the period that they were operating the Site.

10. Describe the nature of your activities or business at the Site, with respect to purchasing, receiving, processing, storing, treating, disposing, or otherwise handling hazardous substances or materials at the Site.

11. For the Trust:

- (a) State the form of Trust (e.g., nominee trust, pourover trust, Totten trust, etc.) and the specified state legal authority under which the Trust was formed;
- (b) State the year the Trust was created;
- (c) If the Trust no longer exists, state: (1) the year the Trust was terminated, dissolved, or liquidated; and (2) to whom the assets of the Trust were distributed;
- (d) Briefly state the nature of the Trust's activities and purposes;
- (e) List and identify all beneficiaries of the Trust;
- (f) List and identify all trustees, administrators, or other fiduciaries of the Trust, and state the period during which each one served in that capacity.
- (g) Provide copies of the Trust agreement and any other documents that memorialize or evidence the creation of the Trust.
- (h) Provide copies of all amendments to the Trust.
- (i) Provide copies of all deeds, transfer certificates of title, assignments, letters of direction, letters or correspondence between the trustee and other parties, invoices for Trust costs or services, and other documents that memorialize or evidence transfers of any part of the Trust corpus.

This page was not sent as part of letter. It is merely to indicate recipient of letter.

S. INDIANA AVE. VACANT LOT SITE  
CHICAGO, ILLINOIS

**MAILING LIST FOR INFORMATION REQUEST**

PERSON	REASON SENT	DATE SENT
Devon Bank Trustee for Trust No. 3256 6445 N. Western Ave. Chicago, IL 60645	To determine liability as Trustee for Trust No. 3256.	OCT 29 1997

SITE:  
TYPE OF LETTER SENT:  
TO:

DATE SENT:  
ARTICLE NO.:

S. INDIANA VACANT LOT  
INFORMATION REQUEST  
DEVON BANK  
TRUSTEE FOR TRUST NO. 3256  
OCTOBER 29, 1997  
P 371 903 920

1b. For return receipt after mailing  
ATTACH appropriate fee as shown in  
Section 932.2 of the DMM.

\* CUSTOMER:—Complete items 1 or 2 and 3 through 9 below.  
Add your address in the "RETURN TO" space on reverse.

☐ 1<sup>a</sup> AFTER MAILING: provide name of individual, company, or organization to whom delivered and date of delivery.  
☒ 2<sup>a</sup> DUPLICATE: provide name of individual, company, or organization to whom delivered and date of delivery.  
☐ 2<sup>b</sup> DUPLICATE: provide name of individual, company, or organization to whom delivered, date of delivery, and place of delivery.

3. Mailing Date 4. COD No.  
10/29/97

5. Registered No. 6. Certified No. 7. Insured No. 8. Express Mail No.  
P 371 903 920

9. Article Addressed To  
Devon Bank, Trustee for Trust No 3256  
6445 N Western  
Chicago IL 60645

10. To  
11. Date of Delivery  
10-31-97  
12. Address (Complete only if requested)  
13. Clerk's Initials  
EM

POSTAL RECORDS SHOW DELIVERY

NOV 7 - 1997  
Postmark of Delivery Office

Do not process if  
Section 1b above is not  
completed.

PS Form 3811-A, Dec. 1985 3443 973 REQUEST FOR RETURN RECEIPT (AFTER MAILING)

US Postal Service  
Receipt for Certified Mail

DEVON BANK  
TRUSTEE FOR TRUST NO 3256  
6445 N WESTERN AVE  
CHICAGO IL 60645

Postage	\$ .55
Certified Fee	1.35
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	11/10
Return Receipt Showing to Whom, Date, & Addressee's Address	29
TOTAL Postage & Fees	\$ 3.00
Postmark or Date	USPO

S. Jansen SE-5J  
PS Form 3800, April 1995

S. Indiana Vacant Lot Sit

This form must be completed at the PO and compared against the customer's receipt. DO NOT FURNISH THIS FORM TO CUSTOMERS.

PS Form 3811-A, Dec. 1985 3443 973 REQUEST FOR RETURN RECEIPT (AFTER MAILING)

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address  
2. ☐ Restricted Delivery  
Consult postmaster for fee.

Is your RETURN ADDRESS completed on the

- Write "Return Receipt Requested" on the mailpiece below the article number.  
The Return Receipt will show to whom the article was delivered and the date delivered.

3. Article Addressed to:

DEVON BANK  
TRUSTEE FOR TRUST NO 3256  
6445 N WESTERN AVE  
CHICAGO IL 60645

4a. Article Number

P 371 903 920

4b. Service Type

- ☐ Registered ☐ Certified  
☐ Express Mail ☐ Insured  
☐ Return Receipt for Merchandise ☐ COD

7. Date of Delivery

5. Received By: (Print Name)

6. Signature: (Addressee or Agent)

X

8. Addressee's Address (Only if requested and fee is paid)

PS Form 3811, December 1994

Domestic Return Receipt

Thank you for using Return Receipt Service.

Main PO office said green card signed 10/31/97



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